

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL F. STIRLING and DAN E. GREMONPREZ

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Appeal No. 2000-0339  
Application No. 08/911,933

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ON BRIEF

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Before JERRY SMITH, RUGGIERO, and BARRY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

The examiner rejected claims 1-5, 22, and 23. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

BACKGROUND

The appellants' invention is a system of scoring consoles for a bowling scoring system. Bowling scoring consoles are conventionally organized around pairs of bowling lanes; a

scoring console is provided for each pair of lanes. Each console includes at least one display for showing bowling scores for both lanes and at least one input for receiving selections related to both lanes. The appellants believe that such an organization evolved from the manual scoring system in which bowlers kept their own scores. (Spec. at 1.) More specifically, they surmise that consoles were placed to provide a short distance between the scoring area and the ball return for each pair of lanes. (*Id.* at 1-2.)

In contrast, the appellants' invention includes a number of scoring consoles equal to the number of lanes in a bowling center; a scoring console is provided for each lane. Each scoring console includes a display for showing bowling scores for the associated lane and an input for receiving data related thereto. The invention offers flexibility in arranging bowling centers. For example, the consoles may be placed adjacent a table provided for each lane as shown in Figure 1 of the appellants' specification or mounted adjacent a ball return as shown in Figure 2 of the specification.

Claim 22, which is representative for present purposes,  
follows:

22. A bowling scoring console comprising:

a free-standing housing defined by a base member, a support structure extending vertically upward from said base member, and a user-accessible surface provided at an angle to said support structure such that said user-accessible surface faces slightly upward; and

an input system housed by said housing and including input means for receiving user input data related to the associated lane, said input means being disposed on said user-accessible surface of said housing to allow user access regardless of whether the user is sitting or standing before the scoring console.

(Appeal Br., App.)

The prior art applied by the examiner in rejecting the  
claims follows:

Mowers et al. ("Mowers") 19, 1993	5,255,185	Oct.
Petrich et al. ("Petrich") 1985.	4,517,512	May 14,

Claims 1-5, 22, and 23 stand rejected under 35 U.S.C. § 103(a)  
as obvious over Mowers in view of Petrich.

OPINION

After considering the record, we are persuaded that the examiner erred in rejecting claims 1-5, 22, and 23. Accordingly, we reverse.

Rather than reiterate the positions of the examiner or appellants *in toto*, we address the main point of contention therebetween. The examiner asserts, "it would have been obvious . . . to mount the display and input system of Mowers in a free standing housing because the specific mounting of a display and input system in a free standing housing is clearly suggested by Petrich et al." (Examiner's Answer at 4.) He further asserts that "the only advantage that is relied upon in establishing the prima facie case of obviousness, [is] the advantage of making a computer system 'mobile'." (*Id.* at 7.) The appellants argue, "[t]he Examiner, however, has failed to provide any reference teaching the desirability of making a bowling scoring console mobile." (Appeal Br. at 10.)

"[T]o establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant."

*In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000)(citing *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)). "[E]vidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. . . ." *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999)(citing *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996); *Para-Ordnance Mfg. v. SGS Importers Int'l, Inc.*, 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995)). "The range of sources available, however, does not diminish the requirement

for actual evidence. That is, the showing must be clear and particular." *Id.*, 50 USPQ2d at 1617 (citing *C.R. Bard, Inc. v. M3 Sys., Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998)). "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *Id.*, 50 USPQ2d at 1617 (citing *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993); *In re Sichert*, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977)).

Here, although Petrich discloses a free-standing console housing "a cathode ray tube (CRT) display 22a as well as a keyboard 22b," col. 7, l. 41-43, the examiner fails to show clear and particular evidence of the desirability of making a bowling scoring console mobile. To the contrary, the examiner does not dispute the appellants' contention that "by making a scoring console mobile, the power and communication lines would necessarily and undesirably be exposed where a bowler could trip over them." (Appeal Br. at 10.) Absent evidence that a bowling scoring console would benefit from being

movable, we are not persuaded of that teachings from the prior art would have suggested combining the teachings of the references. Therefore, we reverse the rejection of claims 1-5, 22, and 23 as obvious over Mowers in view of Petrich.

CONCLUSION

In summary, the rejection of claims 1-5, 22, and 23 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JERRY SMITH	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
JOSEPH F. RUGGIERO	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES

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LANCE LEONARD BARRY  
Administrative Patent Judge

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**Once signed, forward to Team 3 for mailing.**

APPEAL NO. 2000-0339 - JUDGE BARRY  
APPLICATION NO. 08/911,933

APJ BARRY - **2 copies**

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APJ JERRY SMITH

Prepared By: APJ BARRY

**DRAFT SUBMITTED:** 24 Sep 02

**FINAL TYPED:**

Team 3:

I typed all of this opinion.

Please proofread spelling, cites, and quotes. Mark your proposed changes on the opinion, but **do NOT change matters of form or style. I will include the diskette with the signed copy so that you can make all changes before mailing.**

For any additional reference provided, please prepare PTO 892 and include copy of references

Thanks,  
Judge Barry